

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

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|------------------|---|--------------------------|
| LESLIE WHEELER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No.: 3:19-CV-285-TAV-DCP |
| |) | |
| COMMISSIONER OF |) | |
| SOCIAL SECURITY, |) | |
| |) | |
| Defendant. |) | |

ORDER

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge Debra C. Poplin on September 30, 2021 [Doc. 34]. In the R&R, the magistrate judge recommends that the Court grant in part and deny in part plaintiff’s motions for attorney’s fees under 42 U.S.C. 406(b) [Docs. 29, 31]. Specifically, she recommends that plaintiff be awarded \$8,620.50 in attorney’s fees and that, upon receipt of those funds, plaintiff’s counsel be required to remit to plaintiff previously-received fees pursuant to 28 U.S.C. § 2412 in the amount of \$3,796.44. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

The Court has carefully reviewed this matter, including the underlying motions, and the Court agrees with the magistrate judge’s recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R

[Doc. 34]. Plaintiff's motions [Docs. 29, 31] are **GRANTED in part** and **DENIED in part**. Plaintiff is **AWARDED** \$8,620.50 in attorney's fees. Upon receipt of those funds, plaintiff's counsel shall remit to plaintiff previously-received fees pursuant to 28 U.S.C. § 2412 in the amount of \$3,796.44.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE